

AMENDED IN ASSEMBLY APRIL 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 135**

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**Introduced by Assembly Member Jeffries**

January 20, 2009

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~~An act to add Article 4.6 (commencing with Section 4149) to Chapter 1 of Part 2 of Division 4 of the Public Resources Code, relating to fire protection. An act to amend Sections 4799.04 and 4799.12 of the Public Resources Code, relating to public resources.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 135, as amended, Jeffries. ~~Fire protection: contract for services: United States Forest Service. Public resources: forest resource improvement: urban forestry: cost sharing.~~

*(1) Existing law authorizes the Department of Forestry and Fire Protection to enter into agreements and make loans to encourage private and public investment in, and improved management of, forest lands and resources within the state to ensure adequate future high-quality timber supplies, related employment and other economic benefits, and the protection, maintenance, and enhancement of a productive and stable forest resource system for the benefit of present and future generations. The Director of Forestry and Fire Protection is authorized to enter into agreements for forest resource improvement work with eligible landowners that require cost sharing on the part of the landowner.*

*This bill would allow the department to waive the cost sharing requirement when the funding source for the authorized forest resource improvement work prohibits cost sharing requirements.*

(2) Existing law, the California Urban Forestry Act of 1978, authorizes the Department of Forestry and Fire Protection to implement a program in urban forestry to, among other things, encourage better management and planting of trees in urban areas and assist cities in innovative solutions to problems, including greenhouse gas emissions, urban heat island effect, stormwater management, lack of green space, and vandalism. The director, with advice from other appropriate state agencies and interested parties, is authorized to make grants to provide assistance of 25% to 90% of costs for projects meeting guidelines established by the State Board of Forestry and Fire Protection, upon recommendation by the director.

This bill would allow the director to waive the cost sharing requirement when the funding source for a grant prohibits cost sharing requirements.

~~Under existing law, the Department of Forestry and Fire Protection is responsible for fire protection, fire prevention, maintenance, and enhancement of the state's forest, range, and brushland resources.~~

~~This bill would authorize the department, subject to certain conditions, to contract with the United States Forest Service to provide fire protection services for United States Forest Service lands in California.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 4799.04 of the Public Resources Code is
- 2     amended to read:
- 3     4799.04. To effectuate the purposes of this chapter, the
- 4     department is authorized to:
- 5         (a) Collect or contract for adequate supplies of high-quality seed
- 6         and take whatever steps are necessary to insure to the maximum
- 7         degree feasible that seeds or seedlings planted as part of forest
- 8         resource improvement projects undertaken pursuant to this chapter
- 9         are adapted to the planting site and measures are taken to assure
- 10        appropriate diversity of forest species.
- 11        (b) Contract for seedling production and, in cooperation with
- 12        other state, local, and federal agencies, encourage the production
- 13        of seedlings needed to accomplish reforestation in the state by
- 14        small business entities in or near areas where planting will be
- 15        carried out.

1 (c) Provide technical assistance to private seedling nurseries  
2 and conduct a program for certification of the quality and  
3 adaptability of seeds and tree seedlings supplied for forest resource  
4 improvement projects undertaken pursuant to this chapter.

5 (d) Increase availability of genetically improved seed and  
6 planting stock by expansion of seed orchards or other recognized  
7 tree improvement techniques.

8 (e) In cooperation with other public and private entities or  
9 persons:

10 (1) Conduct necessary research and take other appropriate  
11 measures to protect the genetic integrity and diversity of forest  
12 tree species, including, but not limited to, a seed depository.

13 (2) Conduct research and make grants or enter into contracts or  
14 cooperative agreements with public and private entities or persons  
15 concerning measures to increase the contribution of trees to  
16 improve the natural environment and economy of the state and  
17 measures to otherwise accomplish the purposes of this chapter.

18 (f) Purchase necessary equipment or materials and, in  
19 accordance with the State Civil Service Act (commencing with  
20 Section 18570 of the Government Code), appoint such deputies,  
21 officers, and other employees as may be necessary.

22 (g) In cooperation with other public and private entities and  
23 persons, establish such training and educational programs as may  
24 be appropriate to increase the number of workers with necessary  
25 skills to carry out seed collection, seedling production, and forest  
26 resource improvement projects.

27 (h) To accept grants and donations of equipment, seedlings,  
28 materials, or funds from any source for the purpose of supporting  
29 or facilitating forest resource improvement work undertaken  
30 pursuant to the provisions of this chapter. Any funds received shall  
31 be deposited by the director in the Forest Resource Improvement  
32 Fund established pursuant to Chapter 3 (commencing with Section  
33 4799.13) of this part.

34 (i) *Waive the landowner cost share requirements of this chapter*  
35 *when the funding source for the authorized forest resource*  
36 *improvement work prohibits cost share requirements.*

37 SEC. 2. Section 4799.12 of the Public Resources Code is  
38 amended to read:

39 4799.12. The director, with advice from other appropriate state  
40 agencies and interested parties, may make grants to provide

1 assistance of 25 to 90 percent of costs for projects meeting  
2 guidelines established by the board upon recommendation by the  
3 director. The director may waive the cost share requirement for  
4 projects that are in disadvantaged and severely disadvantaged  
5 communities. *The director may also waive the cost share*  
6 *requirement when the funding source for a grant prohibits cost*  
7 *share requirements.* Grants may be made to cities, counties,  
8 districts, and nonprofit organizations. Contributions required as a  
9 condition of grants made pursuant to this section may be made in  
10 the form of material, services, or equipment, or funds. Authorized  
11 assistance may include, but is not limited to, any of the following  
12 needs:

13 (a) Funding for development of urban tree plans that include  
14 coordination of local agency efforts and citizen involvement.

15 (b) Funding for development of urban tree plans that include  
16 coordination of multiple jurisdictions, multiple agency efforts, and  
17 citizen involvement.

18 (c) Funding for development of urban forest master plans or  
19 similar plans designed to provide comprehensive protection,  
20 maintenance, and management of the urban forest.

21 (d) Provision of seedling and tree stock.

22 (e) Tree planting projects.

23 (f) Funding and other assistance to local agencies and nonprofit  
24 organizations for partnerships as follows:

25 (1) Energy saving urban forest programs similar to the Los  
26 Angeles Department of Water and Power's Trees for Green LA  
27 program and the Sacramento Municipal Utility District's  
28 Sacramento Shade Tree program.

29 (2) Developing projects or programs that use urban forests for  
30 water conservation, improving water quality, or stormwater capture.

31 (3) Developing projects or programs that use urban forests for  
32 air quality improvement, reduction in greenhouse gas emissions,  
33 or reduction of heat island effect.

34 (4) Developing community education and engagement programs  
35 on the benefits and proper care of trees.

36 (g) Funding for the development of training and educational  
37 materials on the benefits of the urban forest.

38 (h) Funding for the development of training and educational  
39 materials on proper care and maintenance of trees and the urban  
40 forest, including young and mature tree care.

1 (i) Funding and other assistance, based on criteria developed  
2 by the department, for management of urban forests to ensure their  
3 survival and ability to optimize the benefits that urban forests  
4 provide the community and the environment.

5 (j) Funding and other assistance for demonstration projects in  
6 urban forestry with special attention given to projects or programs  
7 assisting the state in meeting the requirements of the Global  
8 Warming Solutions Act of 2006 (Division 25.5 (commencing with  
9 Section 38500) of the Health and Safety Code), improving energy  
10 and water conservation, capturing and filtering urban stormwater,  
11 improving water quality, reducing the urban heat island effect,  
12 improving air quality, and wood and fiber utilization projects,  
13 including, but not limited to, biofuel and bioenergy.

14 (k) Other categories of projects recommended by the director  
15 and approved by the board.

16 ~~SECTION 1. Article 4.6 (commencing with Section 4149) is~~  
17 ~~added to Chapter 1 of Part 2 of Division 4 of the Public Resources~~  
18 ~~Code, to read:~~

19  
20 ~~Article 4.6. United States Forest Service Contracts~~  
21

22 ~~4149. (a) The department may, with the approval of the~~  
23 ~~Department of General Services, contract with the United States~~  
24 ~~Forest Service to provide fire protection services for United States~~  
25 ~~Forest Service lands in California.~~

26 ~~(b) The fire protection services shall not be provided for less~~  
27 ~~than fair market value, as determined by the department.~~

28 ~~(c) The monetary amount paid pursuant to the contract shall not~~  
29 ~~be less than the actual costs to the state for providing the fire~~  
30 ~~protection services.~~

31 ~~(d) The terms of the contract shall not interfere with or prevent~~  
32 ~~the department from performing its duties to the state pursuant to~~  
33 ~~any other provision of law.~~